Supreme Court, U.S.
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No.

In The
Supreme Court of the United States

VLADIMIR VASKIV,
Petitioner
v.
STATE OF FLORIDA, *ET AL.*,
Respondent(s)

On Petition For Writ Of Certiorari
To The Supreme Court Of Florida

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Under the Fourteenth Amendments to the U.S. Constitution, whether did the State err in obtaining the personal jurisdiction over the person of a defendant through service of a summons inconsistent with the Fed. R. Civ. P.4 (c)(1) *et seq*., a summons shall be served together with a copy of the complaint?

2. Did the trial court act properly when transferred a civil action to the criminal lawsuit in a way that conflicts with 18 USC Sec. 2265(a) *et seq*., which requires (1) that such court has jurisdiction over the parties and matter under the law of such State ...; and (2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process?

3. Under the Sixth Amendment to the U.S. Constitution, (1) did the trial court err in denying the Defendant's motion to speedy trial and (2) whether there is a conflict of interests when in criminal legal proceedings accused person it is represented by the public prosecutor?

PARTIES TO THE PROCEEDING

Petitioner: Vladimir Vaskiv A/K/A Vladimir Vaskin.

Respondent(s): Charles J Crist, Attorney General of State of Florida; State of Florida, *AT AL.*

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OPINIONS BELOW

The order of the Supreme Court of Florida denying Petitioner's Petition for Writ of Prohibition and Writ of Mandamus is set forth as Appendix "1A" to this Petition.

JURISDICTION

The judgment of the Supreme Court of Florida was entered on September 11, 2006. The jurisdiction of this Court rests upon 28 U.S.C. § 1257.

RULE 29.4(b) CERTIFICATION

Petitioner certifies that 28 U.S.C. 2403(a) may apply and that this Petition has been served on the Solicitor General of the United States.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

United States Constitution, Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

United States Constitution, Amendment XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor

shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

18 USC § 2265, (App. 2A)

Fed. R. Civ. P., Rule 4(c) (1), (App. 3A)

Fla. Stat. § 741.30, (App. 4-6A)

PETITION FOR WRIT OF CERTIORARI

Petitioner, Vladimir Vaskiv, *Pro Se*, respectfully prays for a writ of certiorari to review the judgment of the Supreme Court of Florida in this case. In plain contravention of the requirements of the Constitution of the United States and federal law, the State Supreme Court has embarked on an *ad hoc*, standardless, and lawless exercise of judicial power, which appears designed to thwart the administration of law.

STATEMENT OF THE CASE

A. State Court Proceedings

1. The Petitioner in this matter was charged with flight, escape, fugitive, from Broward County (App. 7A), aggravated stalking domestic violence (App. 8A), Immigration Hold (App. 9A). On June 5, 2000, the Petitioner was convicted of stalking (App. 10A).

2. On September 11, 2006, the Petitioner's convictions and sentence was affirmed by the Supreme Court of Florida (App. 1A).

3. On August 12, 1999, the Petitioner was served with Temporary Injunction for Protection Against Domestic Violence (App. 11-12A), that accurately reflected in

Plantation Police Department under offence incident report # 1910-99-08 (App. 13A).

4. This matter was assigned to the Civil Division, Family Court under Broward County Case No: 990075(39) and to the Civil Division, Family Court, under Domestic Violence case type No: 99012472(57).

5. On August 27, 1999, both Petitioner and Respondent appeared before Honorable Cohen who, rejected to testify the Respondent (Vladimir Vaskiv), and then, declined to enter a final judgment (App. 14A); and instead, issued the Permanent Injunction (App. 15A).

6. On September 8, 1999, the Petitioner filed petition for modification of visitation and petition to set aside and vacate marital settlement agreement and complaint to set aside quitclaim deed and for partition (App. 16-19A).

7. On September 30, 1999 the State Florida charges that Vladimir Vaskin (Petitioner) did knowingly, willfully, maliciously, and repeatedly follow or harass another person after an injunction for protection against domestic violence or that persons property, contrary to F.S. 784.048 (4), (App. 8A).

8. On October 9, 1999, under name of the Petitioner the State arrested unknown to the Petitioner person. (App. 20A):

> Date: 10/09/1999 Time: 02:31 Message No.: 00044
> ATTENTION: System Generated Header Control:
> Florida Administrative Message
> From: S13-00-0378 To: S06-00-0029
> Subject: routine message
> Ref Vaskiv, Vladimir wm 06051959 subject had ID on him that was Kirkou, Viktor wm 08071968, officer did not think it was the same subject therefore hold was

not placed for your agency thanks and sorry for the confusion!!!!
Auth/Oper heller warrants Miami Dade County so

9. On October 11, 1999, the Petitioner, pursuant to Florida Statute 741.30(10)[1] filed motion for Protective Order and Motion to Dissolve Temporary Injunction. (App. 21-22A).

10. On October 13, 1999, domestic violence case No. 990075(39) was dismissed (App. 23A).

11. On November 8, 1999, the Petitioner was arrested and on November 9, 1999, at the magistrate, the Court and State used against the Petitioner the false evidence, that is it itself a crime pursuant to Fla. Stat. § 918.13[2] (App.24-25A):

THE COURT: *** Does he have a criminal history?
PROBATION OFFICER: Judge, that and he was picked up on a-10 9 for escape, a fugitive.
THE COURT: Okay, I do find probable cause to detain Mr. Vaskiv for the offense of aggravated stalking.

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[1] Florida Statute 741.30 (10) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

[2] Florida Statute 918.13 Tampering with or fabricating physical evidence.-
(1) No person, knowing that a criminal trial or proceeding or an investigation by a duly constituted prosecuting authority, law enforcement agency, grand jury or legislative committee of this state is pending or is about to be instituted, shall:
(a) Alter, destroy, conceal, or remove any record, document, or thing with the purpose to impair its verity or availability in such proceeding or investigation; or
(b) Make, present, or use any record, document, or thing, knowing it to be false.
(2) Any person who violates any provision of this section shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s.775.083, or s. 775.084.

12. On November 23, 1999, Petitioner pleads not guilty. At this hearing and in the further, Court and State acted corruptly with intent to mislead[1] (App. 26-27A):

> THE COURT: *** Does Mr. Vaskin have a criminal history?
> PROBATION OFFICER: He had a charge on 10-9-99, flight, escape, fugitive from Broward. And also an injunction that was 8-12-99

13. On June 5, 2000, the Petitioner was convicted and on June 8, 2000, the Petitioner was transferred to the INS detention facility for removal proceedings.

14. On July 21, 2000, the U.S. Immigration Service terminated the removal proceedings against the Petitioner (App. 28A).

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[1] 118 USC Sec. 1515. - Definitions for certain provisions; general provision
(3) the term "misleading conduct" means -
(A) knowingly making a false statement;
(B) intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact, and thereby creating a false impression by such statement;
(C) with intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity;
(D) with intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or
(E) knowingly using a trick, scheme, or device with intent to mislead;
(b) As used in section 1505, the term "corruptly" means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.

15. On July 22, 2000, the Petitioner appeared in the law office of Michael Lechtman, attorney for Petitioner in family case No. 990075(39) and asked for Petition for Injunction which on August 12, 1999, pursuant to Fla. Stat. 741.30(4), mast have been served on Petitioner together with Injunction for Protection Against Domestic Violence (App. 29-30A).

B. State Postconviction Proceedings

16. On June 23, 2000, Petitioner filed Motion to Withdraw a Plea.

17. On July 26, 2000, Petitioner filed Motion to Vacate Plea and Sentence.

18. On August 29, 2000, trial court declined to set a hearing of Petitioner's Motion to Vacate Plea and Sentence.

19. On July 29, 2000, Petitioner filed Motion to Dismiss Court Appointed Counsel and Appoint Counsel Outside the Public Defenders Office.

20. On August 29, 2000, Honorable Cohen denied Petitioner's Motion to Dismiss Court Appointed Counsel and to appoint Counsel Outside the Public Defenders Office.

21. On August 9, 2000, the Counsel for Petitioner filed Motion for Leave to Withdraw as Counsel.

22. On August 29, 2000, Honorable Cohen granted the Defense Counsel Motion for Leave to Withdraw as Counsel.

23. On August 29, 2000, the Trial Court declined to set a hearing of the Petitioner's Motion to Withdraw a Plea.

24. On November 20, 2000, the Order was given denying the Petitioner's Motion to Withdraw a Plea.

25. On December 18, 2001, Petitioner filed Motion to Disqualify Judge, case No. 99012472(57), Domestic Violence (Civil).

26. On December 21, 2001, Honorable Cohen denied Petitioner's Motion to Disqualify Judge, case No. 99012472(57), Domestic Violence (Civil).

27. On January 15, 2002, Petitioner filed Motion for Final Hearing, case No. 99012472(57), Domestic Violence (Civil).

28. On June 3, 2002, Petitioner filed Motion to Vacate, Set Aside Plea and Sentence.

29. On June 12, 2002, the Honorable Cohen denied the Petitioner's Motion to Vacate, Set Aside Plea and Sentence.

30. On June 3, 2002, Petitioner filed Motion for Postconviction Relief.

31. On July 17, 2002, the Trial Court denied the Petitioner's Motion for Postconviction Relief.

32. On September 16, 2002, Petitioner filed Motion to Correct an Illegal Sentence.

33. On February 4, 2003, Honorable Cohen denied the Petitioner's Motion to Correct Illegal Sentence.

34. On July 30, 2004, the case No. 99012472(57), Domestic Violence (Civil), was dismissed after hearing. The grounds - restraining order was dismissed in family case No. 99-7500(39) on October 13, 1999.

C. Proceedings on Appeal

35. On May 23, 2001, the Petitioner filed under case No. 4D01-2010 the Notice of Appeal to the Fourth District Court of Appeal of the State of Florida.

36. On September 9, 2001, in the 4DCA to the Petitioner "is given 30 days to file a Petition for Belated Appeal."

37. On September 11, 2001, the Petitioner filed the Petition for Belated Appeal under case No. 4D01-3726 to the 4DCA of the State of Florida.

38. On October 5, 2001, ordered that the Petition for Belated Appeal, case No. 4D01-3726, "is hereby denied."

39. On December 5, 2001, the 4DCA ordered *sua sponte*, the appeal No. 4D01-2010 "is dismissed as untimely filed."

40. On December 6, 2002, the Petitioner petitions for Writ of Mandamus in the Fourth District Court of Appeal, case No. 4D02-4931.

41. On February 26, 2003, the Petitioner's Petition for Writ of Mandamus, filed to 4DCA was dismissed as moot.

42. On May 13, 2004, the Petitioner petitions for Writ of Mandamus in Florida Supreme Court, case No. SC04-1145.

43. On June 2, 2005 the Supreme Court of Florida transferred the petition for writ of mandamus. case No. SC04-1145 to the Fourth District Court of Appeal of the State of Florida.

44. On August 2, 2005, the 4DCA, case No. 4D05-2349, "ordered that the petition for writ of mandamus filed June 6, 2005, is hereby dismissed."

45. On July 6, 2006, the Petitioner petitions for writ of prohibition and writ of mandamus in Florida Supreme Court, case No.SC06-1334 (App. 31-32A).

46. On September 11, 2006, the Supreme Court of Florida denied case no. SC06-1334 (App. 1A).

ARGUMENT

I. FAILURE OF THE STATE TO OBTAIN PERSONAL JURISDICTION OVER DEFENDANT AND OVER THE SUBJECT MATTER

47. One of the most fundamental questions of law is whether a given court has jurisdiction to preside over a given case. A jurisdictional question may be broken down into three components: 1) jurisdiction over the person (*in personam*), 2) jurisdiction over the subject matter, *or res*, and 3) jurisdiction to render the particular judgment sought.

Territorial jurisdiction is the court's power to bind the parties to the action. State court territorial jurisdiction is determined by the Due Process Clause of the U.S. Constitution's Fourteenth Amendment: ***nor shall any state deprive any person of life, liberty, or property, without due process of law.

48. Due process of law is essentially based on the concept of procedural fairness. As a bare minimum, it includes an individual's right to be adequately notified of charges or proceedings involving him, and the opportunity to be heard at these proceedings.

However, when the Constitution has not laid out the

specific procedures that must be followed in other government proceedings, due process provides a minimum floor of protection to the individual that statutes, regulations, and enforcement actions must at least meet (but can exceed), in order to ensure that no one is deprived of life, liberty, or property arbitrarily and without opportunity to affect the judgment or result.

49. Personal jurisdiction, or jurisdiction *in personam* is the power of a court to require a party to come before the court. The court must have personal jurisdiction to enforce its judgments or orders against a party.

50. In a civil case, personal jurisdiction over a defendant is obtained by service of a summons. The process by which a summons is served is called service of process. In the U.S.A. the service of process governed by Rule 4 of Federal Rules of Civil Procedure (App. 3A).

51. In the State of Florida in domestic violence cases the service of process governed by Fla. Stat. 741.30(4):

> The respondent shall be personally served with a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing.

52. On August 12, 1999, the trial court erred in acquiring the personal jurisdiction over the Petitioner, that accurately reflected in Plantation Police Department incident report under offence #1910-99-08 and related case #99-12472(57) (App. 13A).

"If the plaintiff fails to follow the prescribed procedures for notifying the defendant of the claim against him, through service of the summons and complaint, the court does not

acquire personal jurisdiction over the defendant.[1] It makes no difference that the defendant knows from some source other than service of the summons that the plaintiff has initiated a lawsuit against him."[2]

Therefore, one may challenge the service of summons and complaint on the ground either that the plaintiff did not follow the proper procedures in serving the summons and complaint or that the court lacks personal jurisdiction over him.

53. In the State of Florida the Petition for Injunction for Protection Against Domestic Violence is governed by section 741.30 Fla. Stat. It is intended that this protection order meet the requirements of 18 U.S.C. § 2265(b), (App. 11A).

54. On August 12, 1999, the service of process was executed in violation of 18 USC § 2265(b)(2) and Fed. R. Civ. P. 4(c)(1) and in violation of Fla. Stat. 741.30(4), what accurately reflected in Plantation Police Department incident report under offence #1910-99-08 and related case #99-12472(57). On August 12, 1999, officer M. Kisslan, ID No. 9713, accurately reflected (App. 13A):

> On 08.12.99 I was dispatched to ***assist in serving a domestic violence injunction, case 99-12472(57). Upon arrival petitioner provided me with the injunction packet. I then contacted respondent/ex-husband, Vaskiv ***and served him the injunction. I provided Vaskiv with a copy of the injunction, and

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[1] Ruttenberg v. Ruttenberg, 53 Cal. App. 4th 801, 808, 62 Cal. Rptr. 2d 78, 82 (1997).

[2] Ruttenberg v. Ruttenberg, 53 Cal. App. 4th 801, 808, 62 Cal. Rptr. 2d 78, 62 Cal. Rptr. 2d 78, 82 (1997); Kappel v. Bartlett, 200 Cal. App. 3d 1457, 1466, 246 Cal. Rptr. 815, 821 (1988).

*** a friend of ***(the petitioner) helped me by translating/explaining the provisions of the injunction to Vaskiv. I retained the proof of service form. I then contacted BSO records division and provided Vera Yonkens #1904 with the injunction information a copy of this report and the proof of service form were faxed to BSO's civil unit, domestic violence control squad at 797-0934. Vaskiv was served without incident.

55. This official report obviously testifies that on August 12, 1999, the Petitioner Vaskiv was served with injunction, and that the Petitioner Vaskiv was not served with petition for injunction. In other words, the Petitioner is not served with injunction for protection against domestic violence or served with injunction for protection against domestic violence in violation of Fla. Stat. 741.30, that is intended to meet with requirements of 18 U.S.C. § 2265, that is intended in consistency with the U.S. Constitution.

Finally the service of process was executed in violation of U.S. Constitution, or more exactly, the service of process was executed in violation of the Fourteenth Amendment to the U.S. Constitution. This including but not limited to:

56. On August 12, 1999, the State executed the service of process in violation of Fla. Stat. 741.30(8)(a)1:

> The clerk of the court shall furnish a copy of the petition... notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county... who shall serve it upon the respondent

On August 12, 1999, officer Kisslan reflected in Plantation Police Department incident report under offence #1910-99-08:

> "petitioner provided me with the injunction packet."

57. On August 12, 1999, the State executed the service of process in violation of Fla. Stat. 741.30(8)(c)1:

> Within 24 hours after the court issues an injunction for protection against domestic violence ***the clerk of the court must forward a certified copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with this subsection.

On August 12, 1999, officer Kisslan, ID No. 9713, reflected in Plantation Police Department incident report under offence #1910-99-08:

> "petitioner provided me with the injunction packet."

58. On August 12, 1999, the Petitioner's former wife in collusion with State of Florida acted with intent to defraud (18 USC, Sec. 1346)[1] and used as a ruse the process of service. On August 12, 1999, in Plantation Police Department under offence incident report # 1910-99-08 and related case # 99-12472(57) (App.13A) accurately reflected that the Petitioner was not served with the Petition.

That is on August 12, 1999, at an initial stage of legal proceedings the Petitioner was served with temporary injunction, which founded on naked allegations and that the Petitioner was not served with petition for domestic violence injunction.

If the allegations listed in Petition for Domestic Violence Injunction are truthful, why and what for the Petitioner's former wife and State of Florida concealed the fact of the Petition for Injunction away from the Plaintiff.

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[1] 18 USC, Sec. 1346 - Definition of "scheme or artifice to defraud"
For the purposes of this chapter, the term "scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right of honest services.

"The essential elements of due process of law are notice, an opportunity to be heard, and the right to defend in an orderly proceeding." (Fiehe v. R.E. Householder Co., 125 So. 2, 7 (Fla. 1929).)

On August 12, 1999, the initial lawsuit filed against the Petitioner, was in fact objectively fraudulent, illegal and unlawful. The action was filed in Broward County, under case # 99-12472(57). On or about that date, the Lower Tribunal knew or should have known that the allegations indicated in Petition for Injunction were false and that as a result of those allegations the Plaintiff would be arrested.

On August 12, 1999, and further against the Petitioner, the Lower Tribunal and State acted knowingly and with deliberate ignorance and used of legal process by illegal, malicious, or perverted means.

Since August 12, 1999, the Lower Tribunal has no jurisdiction over the Petitioner and acted without due process of law with intent to defraud.

II. ABUSE OF PROCESS

"To establish a cause of action for abuse of process, a plaintiff must plead two essential elements: that the defendant (1) entertained an ulterior motive in using the process and (2) committed a willful act in a wrongful manner." Coleman v. Gulf Ins. Group, (1986) 41 Cal.3d 782, 792, 226 Cal. Rptr. 90.

59. On August 12, 1999, the State is created a cause of action for an injunction for protection against domestic violence contrary to Florida Statute 741.30(1)(h):

> Nothing in this section shall affect the title to any real estate.

certain mortgage fully satisfied*** Loan paid in full by: Vladimar & Inesa Vaskiv (App. 35A).

III. MALICIOUS PROSECUTION

60. On August 27, 1999, *** both Petitioner and Respondent appeared before Judge Cohen who, after taking very little evidence; and then, only by the Respondent, declined to enter a final judgment *** (App. 14A).

61. The Trial Court declined to enter a final hearing. Honorable Cohen did not investigate this matter, using official position issued without reasonable grounds the preliminary or permanent injunction, what's illegal, in violation of 18 USC Sec. 2265(b)(2):

> reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State.

and in violation of Fla. Stat. 741.30(5)(c):

> any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing*** shall be set for a date no later than the date when the temporary injunction ceases to be effective.

62. On September 30, 1999 the State transferred the purely civil family case to the criminal lawsuit under case No. 99-17578CF10A in violation of the 18 USC Sec. 2265.

63. On the initial stage of criminal proceedings the State acted with bad faith and changed the last name of the Petitioner (App. 8A):

> ***State Attorney*** charges that Vladimir Vaskin

64. On or about September 30, 1999, the State knew or should have known that the Petitioner on or about September 8, 1999, filed the Verified Supplemental Petition for Modification of Visitation; And Petition to Set Aside and Vacate Marital Settlement Agreement as a part of the family civil case No. 99-007500(39)(93) and Complaint to Set Aside Quitclaim Deed and for Partition as a part of the divorce proceedings under case No. 99015742 (App. 16-19A).

65. On September 30, 1999, the purely civil case No. 99-12472(57) was transferred to the felony case under No. 99-17578CF10A, in violation of the Fla. Stat. 741.30(1)(c):

> In the event a subsequent cause of action is filed under chapter 61, any orders entered therein shall take precedence over any inconsistent provisions of an injunction issued under this section which addresses matters governed by chapter 61.[1]

66. The State in fact deprived of the Petitioner's parental rights to his minor child in violation of international treaties. (Pet. App. 12A):

> *** the noncustodial parent shall have no contact with the parties' minor child ***

67. On or about October 9, 1999, at presence of the Petitioner the State arrested under his name the unknown to the Petitioner the outsider man, that accurately reflected in Sunny Isles Beach Police Department, Florida, case No. 999089 and related No. 9910-09-14860 dated October 9, 1999, 01:54 (App. 20A, 33A).

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[1] Fla. Stat., Chapter 61 Dissolution of marriage; support; custody

68. Petitioner knew about these crimes but never tried to run away. Petitioner was waiting only for the court hearing and on Monday, October 11, 1999, the Petitioner, pursuant to Florida Statutes 741.30(10)[1] filed motion for Protective Order and Motion to Dissolve Temporary Injunction (App. 21-22A).

69. On October 13, 1999, domestic violence case No. 99-7500(39) was dismissed without prejudice (App. 23A).

70. Domestic violence case (civil), No. 99012472(57), was dismissed on July 30, 2004. The grounds - the restraining order was dismissed in 99-7500(39) on October 13, 1999, that's before arrest of the Petitioner. Despite it, on September 11, 2006, the Supreme Court of Florida denied all relief, case No. SC06-1334 (App. 1A).

71. On or about October 13, 1999, the State acted in violation of Fla. Stat. 741.30(8)(c)2 and in violation of Fla. Stat. 741.30(8)(c)5:

> within 24 hours after an injunction for protection against domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

72. On November 8, 1999, FBI arrested the Petitioner and transferred the Petitioner to the Broward County, Florida.

73. On November 9, 1999, in the criminal proceedings

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[1] Florida Statute 741.30 (10) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

the Court and the State acted against the Petitioner with intent to mislead, 18 USC Sec. 1515[1] (App. 24-25A):

> THE COURT: *** Does he have a criminal history? PROBATION OFFICER: Escape fugitive from Broward 10-9-99. That's all it says. ***

IV. OBSTRUCTION OF JUSTICE

"a. The officer must be prevented by actual violence, or by threatened violence, accompanied by the exercise of force, or by those having capacity to employ it, by which the officer is prevented from executing his writ; the officer is not required, to expose his person by a personal conflict with the offender." (2 Wash. C. C. R. 169. See 3 Wash. C. C. R. 335.)

"b. This is in offence against public justice of a very high and presumptuous nature; and more particularly so where the obstruction is of an arrest upon criminal process: a person opposing an arrest upon criminal process becomes thereby particeps criminis; that is, an accessary in felony, and a principal in high treason." (4 Bl. Com. 128; 2 Hawk. c. 17, s. 1; 1. Russ. on Cr. 360; vide Ing. Dig. 159; 2 Gallis. Rep. 15; 2 Chit. Criminal Law, 145, note a.)

[1] 18 USC Sec. 1515. - Definitions for certain provisions; general provision
(3) the term "misleading conduct" means -
(A) knowingly making a false statement;
(B) intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact, and thereby creating a false impression by such statement;
(C) with intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity;
(D) with intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or
(E) knowingly using a trick, scheme, or device with intent to mislead;

74. On August 12, 1999, the initial lawsuit filed against the Petitioner Vladimir Vaskiv, was in fact objectively fraudulent, illegal and unlawful. The domestic violence injunction was motivated by malice or other improper purposes against the Petitioner. The action was filed in Broward County, Florida under civil case #99-7500(39) and case # 99-12472(57) transferred on September 30, 1999 to the felony case No. 99-17578CF10A.

75. On October 13, 1999, the domestic violence case No. 99-7500(39) was dismissed without prejudice. Despite it on November 8, 1999, the State of Florida arrested and prosecuted the Petitioner with unknown to him fabricated charges Escape, Fugitive from Broward, Aggravated Stalking Domestic Violence, Illegal Activity in the United States.

76. State, Court and Defense knew that the Petitioner wishes his trial. On March 16, 2000, in the courtroom before trial beginning Counsel for Petitioner moved for continuance:

> MS. ALMEIDA: Judge, my client seems to want to fight the case at this point. ***At this point we are not ready for trial. May I ask how long your continuances are, what the new dates are?

77. Ms. Almeida is the assistant of the State Attorney and is the prosecuting attorney for the Broward County, Florida. Ms. Almeida is hired by the government to administer the prosecution of criminal charges in the court. How can the public prosecutor to act on behalf of the accused person? – The conflict of interests here takes place.

78. On April 14, 2000, Counsel for Petitioner filed Motion for Leave to Withdraw as Counsel.

79. On or about April 24, 2000, the Petitioner filed Demand for Speedy Trial.

80. On April 25, 2000, at the courtroom, the Counsel for Petitioner has offered apologies and expressed desire to represent the Petitioner further (App. 36-38A):

> THE COURT: Okay. You want to withdraw your motion to withdraw?
> MS. ALMEADA: Yes, Judge. ***
> THE COURT: Fine. I will permit the public defender to withdraw and Mr. Vaskin, Ms. Almeada will continue to represent you. Now, Mr. Vaskin also filed his own demand for speedy trial recently. He filed that demand on April 24 if you would kindly translate, sir. Mr. Vaskin you don't have the right -- you don't have the authority to be filing a demand for speedy trial if you're represented by an attorney as you are. Frankly, it's your attorney's decision as to whether or not she wishes to file such a demand in consultation with you. It is not your decision, it's hers, so this demand for speedy trial will be struck as a legal nullity and you should discuss this matter with Ms. Almeada if you want her to file that demand on your behalf.
> ***
> MS. ALMEADA: Judge, I was okay. That's fine. Thank you. Judge.

81. State, Court, Counsels for the Petitioner and Counsel for the adverse party knew that there was no basis for the action to be filed in Broward County against the Petitioner, and intentionally disregarded the rights of the Petitioner and acted with the intention of creating problems for the Petitioner such as anguish, or distraction. (App. 34A):

> MS. ALMEADA: *** I have in my hands a Final Order of Dismissal of Domestic Violence without

Prejudice. In fact, why don't I just show it to you *** The only thing here, it says "dismissed" ***

82. On June 5, 2000, the Petitioner was convicted.

83. On June 5, 2000 the plea was given involuntary and under duress in violation of Fla. R. Crim. P. 3.172.[1]

84. Before the trial beginning in the courtroom in the presence of the Honorable Cohen and all public, the Petitioner was taken by his counsel to the Jury Room where in presence of three policemen (one man and two women) and Russian translator Elena Shapovalov the Petitioner's counsel pressed on him to take the deal - one year probation. Petitioner said that was waiting for trial only and wants to go to his trial. Then the counsel for Petitioner stated that would not be allowed to the Petitioner appears on his trial.

---

[1] Fla. R.Crim. P. 3.172. Acceptance of guilty or nolo contendere plea (a) Voluntariness; Factual Basis. Before accepting a plea of guilty or nolo contendere, the trial judge shall be satisfied that the plea is voluntarily entered and that there is a factual basis for it. Counsel for the prosecution and the defense shall assist the trial judge in this function.
(c) Determination of Voluntariness. Except when a defendant is not present for a plea, pursuant to the provisions of rule 3.180(d), the trial judge should, when determining voluntariness, place the defendant under oath and shall address the defendant personally and shall determine that he or she understands:
(1) the nature of the charge to which the plea is offered, the mandatory minimum penalty provided by law, if any, and the maximum possible penalty provided by law;
(2) if the defendant is not represented by an attorney, that the defendant has the right to be represented by an attorney at every stage of the proceeding against him or her and, if necessary, one will be appointed to represent him or her;
(d) Acknowledgment by Defendant. Before the trial judge accepts a guilty or nolo contendere plea, the judge must determine that the defendant either (1) acknowledges his or her guilt or (2) acknowledges that he or she feels the plea to be in his or her best interest, while maintaining his or her innocence.

85. All these seem as conspiracy and lawlessness. After this occurrence, at the hearing on June 5, 2000, the Court's questions to the Petitioner regarding voluntaries looked like gibe at justice and abuse of process. That's clearly after seven months of false imprisonment the State will not admit any Petitioner's trial. Dialogue between kidnapped and kidnapers like in this fabricated case excludes concept of voluntariness:

> THE COURT: Well, we all appreciate you have been in jail that time but the negotiations are that you would be on probation for one year. If you accepted this disposition you would be out today but you would be on probation for one year ***
> MR. VASKIN: Yes, I will accept. ***
> TRANSLATOR: He understands everything, the only question is he is asking can he start this trial later after he has already served his probation?
> ****
> THE COURT: Well, because you're not an American citizen there may be some negative immigration consequences that result from these proceedings knowing that do you wish to continue this change of plea or not? You might suffer deportation as a result of these proceedings.
> TRANSLATOR: He says "yes" I want to accept the consequences.
> THE COURT: Notwithstanding possible difficulty that you may have, is that right?
> TRANSLATOR: He understands. He is afraid he says now "I don't want to be deported".
> THE COURT: Would you repeat that?
> TRANSLATOR: I understand and he accepts no contest as it was previously but he is talking constantly now they are going to deport me.
> THE COURT: They may or may not. I have no idea. I am not involved in that. I just want to apprise you that

that might be a consequence and knowing what the consequences may be do you wish to continue with this change of plea?
TRANSLATOR: I don't have any other choice, he said.

86. On next day, June 6, 2000, the State adds the extra felony charge - Immigration Hold and on June 8, 2000, transferred the Petitioner to the immigrations authorities solely for the purpose of having Petitioner deported (App 9A).

87. On June 23, 2000, Petitioner filed Motion to Withdraw a Plea.

88. On August 29, 2000, in the courtroom the Counsel for Defendant, the Court and State in fact intimidated the Petitioner from attempts to go back to his trial:

MS. ALMEADA: *** At any rate the motion to vacate and I have explained this several times to my client is completely against my advice. I don't think it is a good idea. It is against my advice. I have explained that several times to my client I explained that if eventually and I know we are not here today -- eventually the motion does get granted, and the plea was granted and he is back in custody on the same bond awaiting trial. Again immigration problems he has now resolved are potentially brought him. Again, I have explained all this is I think it is a very bad idea and he knows that but at the time he was in custody, I wasn't sure if the case was over.
THE COURT: *** I am not appointing a lawyer to represent you on your motion to withdraw this plea. You will have to set the hearing and yourself and you can argue it yourself.

V. ELEMENTS OF THE CRIMES

90. All statutes describing criminal behavior can be broken down into their various elements. Most crimes consist of two elements: an act, or "*actus reus*," and a mental state, or "*mens rea*." Prosecutors have to prove each and every element of the crime to yield a conviction. Furthermore, the prosecutor must persuade the jury or judge "beyond a reasonable doubt" of every fact necessary to constitute the crime charged.

91. Except for the charges of flight, escape, fugitive from Broward and Immigration Hold the Petitioner was charged: ***that on or about the 12th day of August, A.D. 1999, through and including the 30th day of September, A.D. 1999, in the country and State aforesaid, did knowingly, willfully, maliciously and repeatedly follow or harass another person, ***after*** an injunction for protection against domestic violence contrary to F.S. 784.048(4), (App. 8A).

92. Before find the defendant guilty of Aggravated Stalking the State must prove the following two elements beyond a reasonable doubt:

1. Defendant knowingly, willfully, maliciously, and repeatedly followed or harassed victim.
2. Defendant did so in violation of an injunction for protection against domestic violence.

93. The Petitioner did not violate and could not to violate any of these two elements. Pursuant to 18 USC Sec. 2265, up to the present the State of Florida no acquired the personal jurisdiction over the Petitioner and over the subject matter.

"Due Process of law implies and comprehends the administration of laws equally applicable to all under established rules which do not violate fundamental principles of private rights, and in a competent tribunal possessing

jurisdiction of the cause and proceeding upon justice. It is founded upon the basic principle that every man shall have his day in court, and the benefit of the general law which proceeds only upon notice and which hears and considers before judgment is rendered." (State v. Green, 232 S.W.2d 897, 903 (Mo. 1950).)

94. The Lower Tribunal's process constantly proved at all bias of this court whose main task was to force the Petitioner to go on any recognition of the guilt, instead of to prove this guilt and on the basis of the law to render on merits. Obviously that the court of the first instance has admitted a sequence of the legal mistakes affected on the outcome of the decision on the given action. Did not disdain also forgery.

95. On November 8, 1999, the State made a bad mistake clearly against reason and evidence or against established law and physically detained the Petitioner without the legal right to do so. The Court had no power to hear and determine a case.

The State and the Court used legal means to accomplish an illegal result, or used illegal means to achieve something that in itself is lawful, to wit, conceal the crimes, arrest and exile the Petitioner. On or about June 8, 2000, for the purpose to achieve an illegal result, to wit deport the Petitioner, the Broward County transferred the Petitioner to the INS jail for removal proceedings.

96. During civil and criminal legal proceedings the Petitioner had no slightest concept for what adjudicate him and punish.

"There must be ascertainable standards of guilt. Men of common intelligence cannot be required to guess at the meaning of the enactment. The vagueness may be from uncertainty in regard to persons within the scope of the act . . .

or in regard to the applicable tests to ascertain guilt." (Winters v. New York, 333 U.S. 507,515-16 (1948). Cf. Colten v. Kentucky, 407 U.S. 104, 110 (1972).)

The U.S. Supreme Court has stated that "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." (Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958).)

Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." (Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).)

The U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." [Emphasis supplied in original].

97. As a result of the intentional use of deceit, a trick or dishonest means by State and Court, the Petitioner was deprived of both his liberty without due process of law and his right to equal protection of the laws, and the due course of justice was impeded, in violation of the U.S. Constitution, Amendment XIV, Section 1: ...nor shall any State deprive any person of life, liberty, or property, without due process of law,

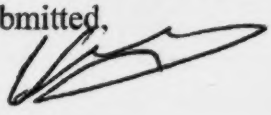
and in violation of the Universal Declaration of Human Rights, Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

The court has determined that the fundamental interest which the malicious prosecution tort is designed to protect - 'the interest in freedom from unjustifiable and unreasonable litigation' - has been infringed by the initial action.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,



Vladimir Vaskiv
Petitioner Pro Se

Rambam St., 26/5
Ashkelon 78625
Israel

(+972-(0)50-307-1935)

October 16, 2006

Supreme Court of Florida

Monday, September 11, 2006

Case No.: SC06-1334
Lower Tribunal Nos.: 4D05-2349, 990017578CF10A

Vladimir Vaskiv	vs.	State of Florida
Petitioner(s)		Respondent(s)

Petitioner has submitted a "Petition for Writ of Prohibition and Writ of Mandamus" which this Court has treated as a petition for writ of mandamus.
Because a writ of mandamus cannot be issued to direct the manner in which a court shall act in the lawful exercise of its jurisdiction, the petition for writ of mandamus is denied. State ex rel. North St. Lucie River Drainage Dist. v. Kanner, 152 Fla. 400, 403, 11 So. 2d 889, 890 (Fla. 1943); see also Migliore v. City of Lauderhill, 415 So. 2d 62, 63 (Fla. 4th DCA 1982) (stating that mandamus "is [not] proper to mandate the doing (or undoing) of a discretionary act"), approved, 431 So. 2d 986 (Fla. 1983).

Wells, Anstead, Pariente, Quince and Cantero, Jj., concur.
A True Copy
Test:
s. /Thomas D. Hall/
Clerk, Supreme Court
jn
Served:
George W. Tedder, Sr.
Vladimir Vaskiv
Hon. Charles J. Crist, Jr.
Hon. Marilyn Beuttenmuller, Clerk
Hon. Howard Forman, Clerk
Hon. Geoffrey D. Cohen, Judge

18 U.S.C. § 2265. Full faith and credit given to protection orders

(a) Full Faith and Credit. - Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

(b) Protection Order. — A protection order issued by a State or tribal court is consistent with this subsection if—
(1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and
(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

Federal Rules of Civil Procedure
Rule 4. Summons

(c) Service with complaint; By whom made.
(1) A summons shall be served together with a copy of the complaint. The plaintiff is responsible for service of a summons and complaint within the time allowed under subdivision (m) and shall furnish the person effecting service with the necessary copies of the summons and complaint.

(m) Time limit for service.
If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision does not apply to service in a foreign country pursuant to subdivision (f) or (j)(1).

Florida Statute741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(1) There is created a cause of action for an injunction for protection against domestic violence.

(1)(c) In the event a subsequent cause of action is filed under chapter 61, any orders entered therein shall take precedence over any inconsistent provisions of an injunction issued under this section which addresses matters governed by chapter 61.

(1)(h) Nothing in this section shall affect the title to any real estate.

(4) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing.

(5)(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.

(8)(a)1 The clerk of the court shall furnish a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a

law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency serving injunctions pursuant to this section shall use service and verification procedures consistent with those of the sheriff.

(8)(c)1 Within 24 hours after the court issues an injunction for protection against domestic violence or changes, continues, extends, or vacates an injunction for protection against domestic violence, the clerk of the court must forward a certified copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with this subsection.

(8)(c)2 Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

(8)(c)5 Within 24 hours after an injunction for protection against domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

(10) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

Florida Department of Law Enforcement

****

SID NBR: 4949407
Purpose Code: P
Page NBR: 1

****

FLORIDA CRIMINAL HISTORY

Name: Vaskiv, Vladimir
State ID No.: FL-04949407
Date Requested: 02/06/2001

Sex M
Race W
Birth Date 05/06/1959

****

Occupation Truck driver
Address 270 Lane Hallandale, FL

****

Arrest-1 10/09/1999
OBTS No.- 1302028323
Arrest Agency- Sunny Isles Beach Police Department (FLO135100)

Agency Case- 0722422
Offence Date – N
Charge 001- Flight-Escape- Fugitive from Broward
Statute/Ordinance Level-Felony
DISP-

****

In The Circuit Court Of The Seventeenth Judicial Circuit In And For Broward County, State Of Florida

99-17578CF10A

The State of Florida vs. Vladimir Vaskin

INFORMATION FOR AGGRAVATED STALKING

In the name and by the authority of the State of Florida:

Michael J. Satz, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that Vladimir Vaskin on o about the 12th day of August, A.D. 1999 through and including the 30th day of September, A.D. 1999, in the County and State aforesaid, did knowingly, willfully, maliciously, and repeatedly follow or harass another person, to-wit: Inesa Rozenman after an injunction for protection against repeat violence, or an injunction for protection against domestic violence or any other court imposed prohibition of conduct toward Inesa Rozenman or that persons property, had been issued, contrary to F.S. 784.048 (4), (L7).

SM/jlg/9/30/99

Broward County Sheriffs Office
Ken Jenne, Sheriff

Add Charge

BOOKING REPORT

CIS #	509928891
BCCN #	234970
Date and Time	11/08/99 17:16:23
Arrest #	BS 9928891
Last Name, First, Middle	Vaskiv, Vladimir
****	
Arrest Date	11/8/99 11:00:00
****	
Inmate Logged Date	11/8/99 12:35:26
Inmate Log Type	Full Intake
****	

Charge No. 2

Charge Initiation Date	06/06/2000 5:04
Statute	Hld-Immg
Case Number	A77921658
Level	XF
Mag.Code	Y
Type Bond	NB
Bond Amount	0
Charges	Immigration Hold
Comments	INS Hold
Booking Off. ID	bs06551
County	Miami
****	
Holder Status Code:	Active
Holder Type Code:	Immigration Hold

End of Report
The Circuit/County Court, In and for Broward County, Florida

****

Date 6/5/00 Case No. 99017578CF10A

Defendant: Vladimir Vaskin

COURT STATUS

****

(√) Change of plea
(√) Pled Nolo
(√) Adj. Guilty I

Charge(s): 001 Stalking (Aggravated)

I – (LTO) Stalking 784.048(2)

Russian Interp.

Sentence: I- 12 Months County Probation

Probation with special condition:

(1) No contact with Inesa Rozenman or her boyfriend except through attorney

(2) Costs $50 Months

****

BY s/Michelle Dykes/
Deputy Clerk

File Copy

In the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida
FMCE

Inesa Rozenman,
Petitioner,
and
Vladimir Vaskiv,
Respondent

Case No.: 99-12472
Division: 57

TEMPORARY INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE

The Petition for Injunction for Protection Against Domestic Violence under section 741.30 Florida Statutes, and other papers filed in this Court have been reviewed. The Court has jurisdiction of the parties and the subject matter under the laws of Florida.

It is intended that this protection order meet the requirements of 18 U.S.C. §2265 and therefore intended that it be accorded full faith and credit by the court of another state or Indian tribe and enforced as if it were the order of the enforcing state or of the Indian tribe.

NOTICE OF HEARING

Because this Temporary Injunction for Protection Against Domestic Violence has been issued without prior notice to Respondent, Petitioner and Respondent are instructed that they are scheduled to appear and testify at a hearing regarding this matter on (date) 8/27/99, at 2;00 p.m. when the Court will consider whether the Court should issue an Injunction for Protection Against Domestic Violence, which could remain in effect until modified dissolved by the Court, and whether other things should be ordered, including who should pay the filing fees and costs. The hearing will be before The Honorable (name) G. Cohen at (room name/number, location, address, city) 5870 201 SE 6 Street, Ft. Lauderdale

Florida. If Petitioner and/or Respondent do not appear, this temporary injunction may be continued in force, extended, dismissed, and/or additional orders may be granted, including the imposition of court costs.

****

Temporary Injunction and Terms

This injunction shall be effective until the hearing set above and in no event for longer that 15 days, unless extended by court order. This injunction is valid and enforceable in all counties of the State of Florida. The terms of this injunction may not be changed by either party alone or by both parties together. Only the Court may modify the terms of this injunction. Either party may ask the Court to change or end this injunction.

****

2. Temporary Custody of Minor Child(ren). (V) Petitioner shall have temporary custody of the parties' minor child(ren) listed below: ****

3. Contact with Minor Child(ren). Unless otherwise provided in paragraph 4 below, the noncustodial parent shall have no contact with the parties' minor child(ren) until future order of the Court.

****

Other Special Provisions

****

5. This case does involve issues of custody, and/or visitation. As such, this injunction does incorporate a page pertaining to those issues.

Ordered on August 12, 1999
s/Cohen/, Circuit Judge

Offence Incident Report

Plantation Police Department

Agency Report Number	1910-99-08
Reported Day	Thu
Date	08.12.99
Time Dispatched	21:10
Time Arrived	21:16
Time Completed	21:42

Incident Location 6600 Cypress Rd. #206 Plantation 33317
Related Report Number(s) BSO 99-12472(57)

Narrative Continuation

On 08.12.99 I was dispatched to 6600 Cypress Rd. #206 to assist in serving a domestic violence injunction, case 99-12472(57). Upon arrival petitioner provided me with the injunction packet. I then contacted respondent/ex-husband, Vaskiv, in the lobby of 6600 Cypress Rd. and served him the injunction. I provided Vaskiv with a copy of the injunction, and Molcho, a friend of Rozenman (the petitioner) helped me by translating/explaining the provisions of the injunction to Vaskiv. I retained the proof of service form. I then contacted BSO records division and provided Vera Yonkens #1904 with the injunction information a copy of this report and the proof of service form were faxed to BSO's civil unit, domestic violence control squad at 797-0934.
Vaskiv was served without incident.

Officer Reporting	Kisslan
I.D. Number	9713
Unit/Shift	L-3
Date	08.12.99

In the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida

INESA ROZENMAN, Petitioner,
vs.
VLADIMIR VASKIV, Respondent

Case No: 99-7500, DIV. 39

Answer To Respondent's Verified Supplemental Petition for Modification of Visitation and Petition to Set Aside and Vacate Marital Settlement Agreement and Counter Petition for Modification of Final Judgment, Transfer and Consolidation.

****

Petitioner, Inesa Rozenman, through undersigned counsel, hereby files this, her Answer to Respondent's Verified Supplemental Petition****

13. On August 27, 1999, both Petitioner and Respondent appeared before Judge Cohen who, after taking very little evidence; and then, only by the Respondent, declined to enter a final judgment; and instead, expressed his preference that this Honorable Court resolve the issues. However, Judge Cohen did extend the Restraining order for an additional 30 day period. ****

Certificate of Service

I Hereby Certify that a true and correct copy of the foregoing has Been sent by U.S. Mail this 28 day of September, 1999, to Michael Lechtman, Esq., 17001 N.E. 6th Avenue, North Miami Beach, Florida 33162, counsel to: Vladimir Vaskiv.

****

By s./Kenneth Sobel/ Fla. Bar No. 511668

17th Judicial Circuit in and for Broward County

ORDER

Inesa Rozenman
Petitioner

Case No.: 9912472 57

vs.

Vladimir Vaskiv
Defendant

This Cause, having come on to be heard before me, this 27th day of August, 1999, upon Petitioner, Inesa Rozenman's Petition For Injunction For Protection Against Domestic violence; and the Ex Parte Injunction having been issued and both parties appearing before me this date for the final hearing; and court finding that Judge Vitale has reserved jurisdiction; and Petitioner having moved ore tenus that this Court defer ruling pending Petitioner moving to transfer this case and consolidate same with Case 99007500, it is,

Ordered and Adjudged

1. The temporary injunction & restraining order is extended 30 Days all of its terms and provisions.
2. Petitioner shall attempt to transfer and consolidate this case to the Pending family court active, case No. 9912472, or to modify the final judgment in that case.
3. This court reserves jurisdiction to extend the injunction.

Done and Ordered this 27th day of August 1999, in Broward County Florida.

s./Cohen/, Judge

Copies: BSO-SAO
Kenneth J. Sobel, Esq.
Vladimir Vaskiv

In the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida
Family Division

In Re: the marriage of Case No. 99-007500 (39)(93)
Inesa Vaskiv,
Petitioner/Former Wife,
And
Vladimir V. Vaskiv,
Respondent/Former Husband.

Verified Supplemental Petition for Modification of Visitation; And Petition to Set Aside and Vacate Marital Settlement Agreement
Bar No. 182071

Comes Now the Respondent/Former Husband, Vladimir V. Vaskiv, by and through undersigned counsel, and files this his Verified Supplemental Petition for Modification and Petition to Set Aside and Vacate Marital Settlement Agreement, and says as follows:

****

2. The final judgment and marital settlement agreement granted the parties shared parental responsibility of their ten (10) year old daughter, Irena Vaskiv, giving the petitioner rights of residential custodianship and reasonable and liberal visitation to the respondent/father.

3. However, since the entry of the dissolution of marriage, the mother fails and refuses to allow the father any visitation of the minor child whatsoever. On numerous occasions when he has attempted to exercise his visitation, she has refused to allow him to see his child, and has even used as a ruse the obtaining of a fraudulent temporary injunction against domestic violence.

4.The mother's continued intentional denial of the father's visitation is detrimental the welfare of the minor child

and to the rights of the father, and this court must act to establish a visitation schedule, at no less than this court's standard visitation, so that the father's rights of visitation may continue inviolate.

****

Wherefore, Respondent prays the court to enter its order modifying the final judgment to establish a standard visitation for the father, and to further award him a reasonable attorney's fee and costs of this action.

Petition to Set Aside and Vacate Marital Settlement Agreement

****

2. The marital settlement agreement was reached by the former wife under fraud, deceit, duress, coercion, misrepresentation, and overreaching in the following specifics****

3. The parties both acted pro se in these transactions, and there was no arms length transaction, as the former husband received no guid pro quo or other equitable distribution in exchange for the quit-claim deed. Thus, there is a presumption of fraud, coercion, and concealment.

****

Wherefore, the Respondent/Former Husband prays the court to enter its order setting aside and vacating marital settlement agreement and those portion of the final judgment of dissolution relating thereto and adjudicate the rights of both parties in and to the former marital residence***

s/Vladimir Vaskiv/

Witness my hand and official seal, this 8th day of September, 1999.

****

By s./Michael Lechtman/, Esquire

In the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida

General Jurisdiction Division

Vladimir V. Vaskiv, Case No. 99015742
Plaintiff,
Vs.
Inesa Vaskiv a/k-/a Inesa Rozenman,
Defendant.

Verified Complaint to Set Aside Quit-Claim Deed and for Partition

****

Comes Now the Plaintiff, Vladimir V. Vaskiv, by and through undersigned counsel, and files this his Verified Complaint to Set Aside Quit- Claim Deed and for Partition, and says as follows:

1. Plaintiff is an Israeli domicile having as his temporary residence Dade County, Florida, and is otherwise sui juris.

2. Defendant, Inesa Vaskiv A/K/A Inesa Rozenman, is the former wife of the plaintiff, and they owned jointly and resided in as their marital residence, the real property located in Broward County, Florida, legally described as follows****

3. On April 22, 1999, defendant obtained a quit-claim deed from plaintiff to the above-described property using fraud, deceit, duress, coercion, misrepresentation and overreaching in the following particulars****

Count I
(Fraud, Deceit, and Coercion)

****

Count II
(Violation of Florida Statute §689.01)

9. As alleged above, the quit-claim deed failed to comply with the requisite formalities of Florida Statute §689.01 and is invalid and voidable.

Count III
(Partition)

****

14. The plaintiff has a right to partition of the property.

15. The parties own the property as tenants in common.

****

Wherefore, Plaintiff prays the court to ****

s/Vladimir Vaskiv/

****

Witness my hand and official seal, this 8th day of September, 1999

Michael Lechtman, P.A.
Attorney for Respondent/Former Husband
17001 N. E. Sixth Avenue
North Miami Beach, Florida 33162
(305) 652-9500

By s./Lechtman/, Esquire

Sunny Isles Beach Police Department

Case No. 999089 Related No. 99-10-09-14860

****

On the above date and time Golden Bch Officer Kaplan (W-1) and I, were approached by RE1 (John), who stated that S-1 (Vladimir) was a felon (aggravated stalking) with a warrant for his arrest, out of Broward County. He further stated that he had been following S-1 for several hours, and that he was now standing in the parking lot of 6810 Collins Avenue. S-1 was asked to show proof of identification. He showed me a driver's license out of Georgia with the alias of Viktor Kirkou. RE1 identified S-1 as Vladimir Vaskiv. SIBPD dispatcher ran both names through FCIC and NCIC and got a hit for Vladimir Vaskiv. Due to S-l'S questionable identity, he was transported to Metro Dade Head Quarters to be finger printed. No record was found through S-l'S finger prints. In order to ensure that S-1 was in fact, Vladimir Vaskiv, Broward County Sheriff's Office was contacted. They made contact with S-l'S ex-wife who came to Metro Dada Head Quarters and positively identified S-1 as Vladimir Vaskiv, the man who had been stalking her. S-1 was subsequently arrested and transported to DCJ.

****

(Seal) S.I.B. Official Report

Reporting Officer/ID No.: Gonzalez 59

Date and time 10/09/1999 01:54

Reviewed by s./_____/

Date and time 10/9/99 09:00

In the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida
Family Division

Inesa Vaskiv, Case No. 99-007500(39)(93)
Petitioner/Former Wife,
and
Vladimir V. Vaskiv,
Respondent/Former Husband

MOTION FOR PROTECTIVE ORDER

1.On September 28, 1999, counsel for the petitioner/former wife noticed respondent/former husband's deposition returnable on October 11, 1999.

2. Respondent/former husband and undersigned counsel fully prepared for the deposition and were only hours away from attending it, when it became apparent that the deposition was being used for the ulterior purpose of having respondent/former husband arrested by the police for an alleged violation of a temporary injunction against domestic violence.

****

4.Upon information and belief, the petitioner/former wife has advised the police to be present at the scheduled deposition in order to arrest the respondent/former husband

****

Wherefore, Respondent/former husband prays the court to enter its order of protection against the giving of any deposition by him until the court has either ruled on the permanency of the injunction and its alleged violations, or has made arrangements that respondent/former husband may give his deposition without fear of arrest based on the naked allegations of the petitioner/former wife.

****

11th day of October, 1999.
By s./Michael Lechtman/, Esquire

In The Circuit Court Of The Seventeenth Judicial Circuit
In And For Broward County, Florida
Family Division

In Re: The marriage of Case No 99-007500 (39)(93)
Inesa Vaskiv,
Petitioner/Former Wife,
and
Vladimir V. Vaskiv,
Respondent/Former Husband.

MOTION TO DISSOLVE TEMPORARY INJUNCTION

Bar No. 182071

Comes Now the Respondent/Former Husband, Vladimir V. Vaskiv, by end through undersigned counsel, and moves the Court to dissolve the temporary injunction and says that its allegations are untrue and it was entered based on false ex-parte information offered by the petitioner/former wife solely for the purpose of having respondent/former husband arrested, deported, and with the inability to continue his petition to enforce visitation of the parties' minor child and other relief.

Wherefore, Respondent/former husband prays the court to enter its order dissolving the temporary injunction as requested above.

I Hereby Certify that a true and correct copy of the foregoing was faxed and mailed to: .... Kenneth J. Sobel, Esquire, Attorneys for Petitioner/Former Wife, Trade Centre South Building, Suite 700, 100 West Cypress Creek Road, Fort Lauderdale, Florida 33309, this 11th day of October, 1999.

Michael Lechtman, P.A.
Attorney for Respondent/Former Husband

In The Circuit Court Of The Seventeenth Judicial Circuit In And For Broward County, Florida

Inesa Rozenman Case No. 99-7500(39)
Petitioner,
and

Vladimir Vaskiv
Respondent.

FINAL ORDER OF DISMISSAL DOMESTIC VIOLENCE WITHOUT PREJUDICE

This Cause came before the court on the 13th day of October, 1999, for final hearing and the court being fully advised in the premises finds as follows:

1. Both parties and counsel for parties failed to appear at the scheduled final hearing pursuant Notice of Hearing setting the domestic violence matter for final hearing on _____.
2. The court further finds that no order of continuance has been entered in this cause.

It is, thereupon, Ordered and Adjudged that this cause of action be and the same is hereby dismissed without prejudice.

Done and Ordered at Fort Lauderdale, Broward County, Florida this 13th day of 1999.

State of Florida
Broward County

s./Linda Vitale/, Circuit Judge

Copies furnished: Michael Lechtman, Esq.
Kenneth J. Sobel, Esq.

In the Circuit Court of the 17th Judicial Circuit in and for
Broward County, Florida

State Of Florida
Plaintiff
vs.

Arrest No. 509928891
Judge Geoffrey D. Cohen

Vladimir Vaskiv
Defendant.

Broward County, Florida
November 9th, 1999
9:00 o'clock a.m.

The above-entitled cause came on for magistrate before the Honorable Geoffrey D. Cohen, Circuit Court Judge, at the Broward County Courthouse, Fort Lauderdale, Florida, room 5870, on the 9th, day of November, 1999.

MAGISTRATE

****

THE COURT: Vladimir Vaskiv.
CLERK: Judge, he needs an interpreter.
THE COURT: Do you speak Russian?
DEFENDANT: Yes.
THE COURT: We don't have a Russian translator. We are going to proceed. Mr. Vaskiv is charged with aggravated stalking. Does he have a criminal history?
PROBATION OFFICER: Judge, that and he was picked up on a 10 9 for escape, a fugitive.
THE COURT: What do you mean? What are you talking about?
PROBATION OFFICER: Escape fugitive from Broward 10-9-99. That's all it says.

THE COURT: Okay, I do find probable cause to detain Mr. Vaskiv for the offense of aggravated stalking. Bond is set in the amount of $25,000. Would you contact immigration please Ms. Kennedy and let them know that Mr. Vaskiv is in custody and his immigration status is very questionable.
PROBATION OFFICER: Okay.
THE COURT: Thank you very much. And you are not to have any Contact whatsoever with the complainant Mr. Vaskiv.
(Thereupon, the above proceedings were concluded.)

In the Circuit Court of the 17th Judicial Circuit, in and for Broward County Florida

State Of Florida
Plaintiff, Case No.: 99-17578 CF10
vs.
Vladimir Vaskin,
Defendant.

Proceedings had and taken before The Honorable Geoffrey D. Cohen, one of the Judges of said Court, at Room 343, Broward County Courthouse, Fort Lauderdale, Broward County, Florida, on Tuesday, the 23rd day of November, 1999, commencing at the hour of 10:00 o'clock a.m., and being a Hearing.

****

THE COURT: Mr. Vaskin, you have been arrested and charged with the offense of aggravated stalking. This is an offense punishable by up to five years in state prison as a maximum sentence. Are you represented by a lawyer, Mr. Vaskin?
THE DEFENDANT: No.
THE COURT: Would you like to be?
THE DEFENDANT: Do I need a lawyer?
THE COURT: Well, it is up to you. Do you have plans for the next five years?
THE DEFENDANT: I'm a tourist here.
****
THE COURT: Well, do you want me to appoint the public defender or are you making arrangements to hire your own lawyer or don't you wish to be represented by a lawyer, sir?
THE DEFENDANT: I don't know how things work here. I don't know what to do.
THE COURT: Have you made any efforts to contact a lawyer. You have been in custody for more than two weeks now. Have you made any telephone calls to a lawyer?

THE DEFENDANT: There was a lawyer, but he didn't want to take this kind of a case.
THE COURT: Well, I'll appoint a public defender to represent this defendant. You may at a later time be responsible for the cost of this representation.
THE DEFENDANT: I don't have any money.
THE COURT: Are you here for the State?
MR. BENDEKOVIC: Yes, Judge, I am. Ron Bendekovic for the State of Florida. We don't have an offer at this time. I made several attempts to contact the victim, and I was not able to contact the victim. If he does plea open to the Court, this is his only offense that we know of, and he scores at the bottom at 21 months Florida State Prison.
THE COURT: No contact with the complainant in this case?
MR. BENDEKOVIC: Not to me, Your Honor.
THE COURT: Okay. Well, the State doesn't have a specific offer. Apparently, he falls within a guideline score range of 21 months in prison. If he were to plead no contest or guilty this morning, he would be subject to that. In fact, that's what the State indicates is the minimum.
THE DEFENDANT: I'm not guilty. I didn't do anything.
THE COURT: All right.
MR. FARBARIK: Judge, in light of that, we would enter a not guilty plea on his behalf.
THE COURT: If he pleas not guilty today, you will get a notice of trial before you leave here today. Does Mr. Vaskin have a criminal history?
PROBATION OFFICER: He had a charge on 10-9-99, flight, escape Fugitive from Broward. And also an injunction that was 8-12-99. The victim was Ensa (phonetic) Roseman, and it expired on September 27, 1999. I contacted illegal activity immigration about this, and they haven't responded back to me, but I will call again today.
THE COURT: Okay. We'll thank you very much. You will get the notice of trial before you leave here today.
(Thereupon, the proceedings were concluded.)

Immigration Court
515 11th St., West Suite 300
Bradenton, Fl 34205-1111

In the Matter of | Case No.: A77-921-658

Vaskiv, Vladimir | In Removal Proceedings
Respondent

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Jul 21, 2000. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

****

(Y) Proceedings were terminated.

Date: Jul 21, 2000

****

s/R. Kevin Mchugh /
Immigration Judge

In the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida

Inesa Rozenman
Petitioner

Case No.: 99-12472-57

and

Vladimir Vaskiv
Respondent

PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE

****

We separated 3 years ago and I moved with my daughter to the US to stay with my parents. I bought and apartment next to my mother which is registrate on my name only. I am legal in this country and working full time. However, my ex-husband is not legal here. Last night he arrived in my apartment without notice and ask for some things. I asked him to stay in the hallway and I will bring the things out. When I opened the door he is pushed me to the floor and force him self inside the apartment. I was very afraid, he told me do not call the police because he will kill me. My ex-husband always carries knife on hem, he is verbal abuse me too, and keep said that he is will take care of me. He took … few other thinks including kitchen knifes. He is also say that he will come tomorrow to take my daughter and take her to Israel or Russia. Before he left, he keep saying that he kill me. I was in fear and went to pick-up my daughter from camp. When I got back home I called the police. My ex-husband is very violence man and alcoholic, he abuses me in Russia and Israel, that's why I decide to moved and live with my parents. I am in fear and asking for restraining order to my home, my daughter school and my work place…

****

I have read every statement made in this petition, and each statement is true and Correct. I understand that the statements made in this petition are being made under penalty of perjury, punishable as provided in section 837.02, Florida Statutes.

Dated: 08/12/99

s/Rosenman/, Signature of Petitioner

Circuit Court
Broward County, Florida
17th Judicial Circuit
(SEAL)

In The Supreme Court Of Florida

Vladimir Vaskiv
Petitioner
vs.
State of Florida, *Et Al*
Respondent(s)

Case No. SC06-1334

Lower Tribunal Case No.: 4D05-2349
Circuit Court Case No.: 99017578CF10A

PETITION FOR WRIT OF PROHIBITION AND WRIT OF MANDAMUS

****

JURISDICTION

The judgment of the Fourth District Court of Appeal of the State of Florida was entered on August 2, 2005. The jurisdiction of this Court rests upon Article V, §3(b)(8), Fla. Const., and Rule 9.030(a)(3), Fla. R. App. P.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

The Sixth Amendment to the Constitution of the United States ***

The Fourteenth Amendment to the Constitution of the United States ***

18 USC § 2265 ***

Fed. R. Civ. P., Rule 4(c)(1) ***

Florida Constitution, Article I. Section 9: Due process - No person shall be deprived of life, liberty or property without due process of law ***

Fla. Stat. § 741.30 ***

On August 12, 1999, the initial lawsuit filed against the Petitioner Vladimir Vaskiv, was in fact objectively fraudulent, illegal and unlawful.***

Since August 12, 1999, the Lower Tribunal has no jurisdiction over the Petitioner and acted without due process of law with intend to defraud ***

Lower Tribunal has proved to be repressive body, whose main task was to break the Petitioner and to force him to go on any recognition of the guilt, instead of to prove this guilt and on the basis of the law to render on merits***

Petitioner considers, that this is custom-made kidnapping, as prove his guilt court was not able to, and justify the Petitioner is to condemn the lower tribunal.

****

CONCLUSION

The petition for writ of prohibition and writ of mandamus should be granted.

CERTIFICATE OF SERVICE

I Hereby Certify that true and correct copy of the foregoing has been furnished by Certified Mail delivery to: Florida Supreme Court, Clerk's Office, 500 South Duval Street, Tallahassee, Florida, 32399; Marilyn Beuttenmuller, Clerk of Fourth District Court of Appeal, P.O. Box 3315, West Palm Beach, Florida 33402; Honorable Geoffrey D. Cohen, Circuit Judge, George W. Tedder, Sr. Drive, 201 S.E. 6th St. Fort Lauderdale, FL 33301; Howard C. Forman, Clerk of Circuit and County Court, Seventeenth Judicial Circuit in and for Broward County, S.E. 6th St. Fort Lauderdale, Florida, 33301on this 22nd day of June, 2006.

s/Vladimir Vaskiv/, Petitioner Pro Se

Miami-Dade County, Florida

Miami-Dade Police Department,
Crime Scene Investigations Bureau
9105 N.W. 25 Street, Room 2180
Miami, Florida 33172

June 21, 2001

To Whom It May Concern:

A search of the Miami-Dade Police Department files under the name: Vaskiv, Vladimir V. Date of Birth: June 05, 1959 reveals the following:
No Record
Remarks:
The fingerprint impressions appearing on this form are those of: Vaskiv, Vladimir V.

Race:W	Sex: M	DOB: 06-05-1959
Eyes: Green	Hair: Brown	SS#: N/A

MDPD #: N/A

This is not the same individual as:
Vaskiv, Vladimir

Race: W	Sex: M	DOB: 05-06-1959
Eyes: Green	Hair: Brown	SS#: N/A

MDPD #: 722422 AKA: N/A
Arrested on: 10-09-1999 Charge: Fugitive Form: Broward
Wanted for: N/A
Case Pending #: N/A

Carlos Alvarez, Director
Miami-Dade Police Department

By s./Thomas C. Porteus Jr/
Crime Scene Investigations Bureau
Fingerprint Identification Section (SEAL)

Inked Impressions of Right Four Fingers

In the Circuit Court of the 17th Judicial Circuit, in and for Broward County, Florida

State of Florida
Plaintiff,
vs.
Vladimir Vaskin
Defendant

Case No. 99-017578CF10A
Judge: Cohen

Fort Lauderdale, Florida
May 5, 2000
9:40 o'clock a.m.

Appearances:
(No appearance on behalf of the State of Florida.)

Ruden, McClosky, Smith, Schuster & Russell, P.A., By:
Ileana Almeida, Attorney at law,
Appearing on behalf of the Defendant.

Kenneth Sobel, Esquire,
Appearing on behalf of the Deponent.

Also present:
Svetlana Romanov, translator
Harry Molcho

DEPOSITION OF INESA ROZENMAN

****

BY MS. ALMEIDA: Okay. I have in my hands a Final Order of Dismissal of Domestic Violence without Prejudice. In fact, why don't I just show it to you…

***

MS. ALMEIDA: The only thing here, it says "dismissed".

***

(whereupon, the deposition was concluded at 11:55 o'clock a.m.)

Prepared by: Patricia Hughes
Return to: Sontrast Mortgage, INC.
P. 0. BOX 105621
Atlanta, GA 30348

STM Loam Number 494416
98-207711 T #008

04-09-98 07:15AM

SATISFACTION OF MORTGAGE

The named owner, Suntrust Bank, South Florida, N.A

Hereby certifies that as that certain mortgage more particularly indentified below and the obligation wich it secures that said mortgage and obligation has been paid and fully satisfied and hereby consents to and directs that the same be discharged of record.

Mortgagor: Vladimar Vaskiv & Inesa Vaskiv
Date of Mortgage: 09/06/96

Place of recording: Broward
Date of recording: 09/17/96
Recording reference: BK 25404 PG 674

Witness my hand and official seal as of March 26, 1998

Loan paid in full by: Vladimar & Inesa Vaskiv

6600 Cypress Road #206
Plantation, FL 33317

Recorded in the official records book of Broward County, Florida County Administration

In the Seventeenth Judicial Circuit in and for Broward County,
Florida Criminal Division
Case No.99-17578

State Of Florida
Plaintiff
vs.
Vladimir Vaskin
Defendant

Broward County Courthouse
Courtroom 5870
Fort Lauderdale, Florida

Appearances:
Ms. Almead, Esquire,
Attorney for Defense

The above-entitled cause came on for Hearing before Judge Geoffrey D Cohen, as Judge of the Circuit Court, in and for Broward County, Florida at the Broward County Courthouse, Fort Lauderdale, Florida on the 25th day of April, 2000, commencing at 10:00 AM.

THE COURT: Vladimir Vaskin. Ms. Almeada, how are you?
MS. ALMEADA: I am good. Hopefully, my secretary called.
THE COURT: Yeah. We waited for you. Why were you late?
MS. ALMEADA: Judge, I was mischeduled. I thought it was at 2 o'clock.
THE COURT: Well, here we are here in the matter of Vladimir Vaskin and the defendant is present and the Hebrew translator is translating. In your discussions this far were you aware Ms. Almeada -- is anyone listening?
Ms. Almeada are you aware that prior to your filing an appearance I had appointed the public defender. They never withdraw so technically, I mean they're representing them, not

you. There was no motion to substitute in, no motion to withdraw.
MS. ALMEADA: Judge, I believe there was an oral motion to withdraw previously when I came in.
THE COURT: It is not reflected here in any of the paperwork.
MS. ALMEADA: I believe Mr. Farbarik did that in court. I don't know. That's my recollection.
THE COURT: Okay. Well, do you wish – do you wish to represent the defendant?
MS. ALMEADA: Well, Judge I had received correspondence from the defendant that he didn't wish me to represent him, so, he is telling me now that he does now. I can stay on the case. I had cancelled the depoes because I thought he didn't want me to represent him so I will just reschedule them for next week.
THE COURT: Okay. You want to withdraw your motion to withdraw?
MS. ALMEADA: Yes, Judge.
THE COURT; And you will represent him?
MS. ALMEADA: If you want the representation in court -- that's what my client is telling me. At this point I don't know if you would like to ask him Your Honor.
THE COURT: I don't really want to get involved in it.
THE COURT: Has your client --
MS. ALMEADA: Yes, Judge. When I was out on my own I subsequently went to a firm but I can continue on the case.
THE COURT: Okay. Does the public defender wish to withdraw in this case?
MR. FARBARIK: Yes, Your Honor.
THE COURT: Fine. I will permit the public defender to withdraw and Mr. Vaskin, Ms. Almeada will continue to represent you. Now, Mr. Vaskin also filed his own demand for speedy trial recently.
He filed that demand on April 24 if you would kindly translate, sir. Mr. Vaskin you don't have the right -- you don't have the authority to be filing a demand for speedy trial if you're represented by an attorney as you are. Frankly, it's your

attorney's decision as to whether or not she wishes to file such a demand in consultation with you. It is not your decision, it's hers, so this demand for speedy trial will be struck as a legal nullity and you should discuss this matter with Ms. Almeada if you want her to file that demand on your behalf.

MS. ALMEADA: Thank you, Judge.

THE COURT: Thank you. Okay. Well, in light of the fact Ms. Almeada that you arrived substantially earlier than what you indicated earlier, I am not going to require you to pay the service of the translator.

MS. ALMEADA: Judge, I was okay. That's fine. Thank you, Judge.